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March 22, 2013

CG

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Honorable Vincent L. Briccetti
United States District Judge
United States District Court
300 Quarropas Street, Room 630
White Plains, New York 10601

*Clerk instructed to
docket this letter.
WB USDT
3/28/13*

Re: Caruso Glynn, LLC v. SAI Trust
Case No.: 11 Civ. 4360 (VLB)
CG File No.: 88.071108.01

Dear Judge Briccetti:

Plaintiff respectfully submits this correspondence in reply to defendants' letter of this date. Without belaboring the point, the undersigned was of counsel, not an associate. The affidavit propounded by defense counsel merely contained a form introductory paragraph that had not been revised to reflect the change in status. To the extent that defendants are going to insist on offering their version of facts and evidence as to the employment status of the undersigned vis-à-vis Nicoletti Hornig & Sweeney in their reply, and given that Mr. Munck's declaration may be withdrawn, plaintiff should be entitled to supplement its papers to address this limited point.

With respect to ¶¶6-11 of Mr. Munck's declaration and in light of defense counsel's letter, there does not appear to be any dispute as to the credibility of those paragraphs which address defendants' inability and/or reluctance to pay for attorney's fees in a timely fashion. Accordingly, to the extent that the Court does permit the withdrawal of the declaration, it should be limited to only those statements contained in ¶¶2-5 of the declaration.

With respect to defendants' opposition to plaintiff's request to serve a reply in excess of ten pages, defendants have not demonstrated how they would be in any way prejudiced. Accordingly,

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it is respectfully requested that the Court permit plaintiff to serve a reply in excess of ten pages and not to exceed 20 pages.

Your Honor's continued consideration in this regard is greatly appreciated.

Respectfully yours,

CARUSO GLYNN, LLC

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